



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,465	11/08/1999	JUNICHI REKIMOTO	SONY-Q-9320	6689
29175	7590	09/22/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			NGUYEN, NHON D	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	

2179

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/436,465

Applicant(s)

REKIMOTO, JUNICHI

Examiner

Nhon (Gary) D. Nguyen

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-14, 23-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-14, 23-27, and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to amendment, filed 07/06/2005.
 2. Claims 1, 11-14, 23-27, and 29-37 are pending in this application. In this amendment, no claim is canceled, claims 1, 13, 14, 25, 26, 30, 33, and 36 are amended, and no claim is added.
- This action is made final.

Claim Rejections - 35 USC § 101

3. Claims 26, 27 and 35-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer readable medium includes intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed (application specification page 45, lines 9-15).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30, 33 and 36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the limitation "said particular program" at line 2. There is insufficient antecedent basis for this limitation in the claim because there are two "application program" in

Art Unit: 2179

claim 1 such as “an application program” at line 5 and “another application program” at line 6.

The same rejection is applied to claims 33 and 36

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 11-14, 23-27, 29, 30, 32, 33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hug et al. (“Hug”, US 5,806,078).

As per independent claims 1, 14 and 26, Hug teaches a computer implemented method and corresponding system for information processing comprising the steps/means:

storage means for repeatedly storing data in a plurality of different states when said data is created or changed, wherein each of said different stored state of said data comprises user input and time information corresponding to a day and/or time at which said data is stored (col. 1, lines 55-62 and col. 6, lines 28-41);

an application program for use with said data and capable of transmitting said time information to another application program and capable of receiving time information corresponding to a day and/or time from said another application program (col. 4, line 52 – col. 6, line 6; Version Manager and Spreadsheet Software transmit time information between each other);

day and time setting means for setting a day and/or time in said application program based on said time information received from said another application program (col. 15, lines 63-64); and

control means for locating data from said stored plurality of different sets of said data at about said set day and/or time and for reproducing said data corresponding to said set day and time (fig. 9; col. 9, lines 36-45);

wherein the storage means stores the application program (col. 4, lines 23-51), and said control means reproduces the state of the application program corresponding to the set day and/or time (change between Read-Write or Read-Only states of fig. 9 and col. 4, line 52 – col. 6, line 6).

wherein said application program and said another application program each independently include said time information, and wherein said application program and said another application program are each independently capable of transmitting and receiving said time information (column 4, line 52 – column 6, line 6).

As per claims 11 and 23, Hug teaches the day and time setting means sets the day and/or time closest to said received time information (col. 15, lines 63-64).

As per claims 12 and 24, Hug teaches the application program contains a file management program for managing files (Version Manager Processor 36 of fig. 2).

As per claims 13 and 25, Hug teaches wherein said application program contains a position and time information management program for managing user input position information and the time information corresponding to the position information (col. 10, lines 32-64; the system compares between the two versions, with different time, and displays positions of data which has changed).

As per claim 27, Hug teaches the storing step repeatedly stores a file in a plurality of given different states each time when said file is created or changed (col. 6, lines 28-41), wherein each of said different stored state of said data comprises time information corresponding to a day and time at which said file is stored (col. 6, lines 31-34), said day and time setting step sets the day and time according to a past or future screen (col. 15, lines 63-64), said locating step locates a file stored at said set day and time (fig. 9; col. 9, lines 36-45), and said control step reproduces said given state of said file corresponding to said set day and time along with said corresponding past or future screen (col. 9, lines 36-45).

As per claims 29, 32 and 35, Hug teaches the application program is capable of multicasting said time information to said another application program belonging to a particular group (column 4, line 52 – column 6, line 6; multiple check-in and checkout processes to transmit and receive time information).

As per claims 30, 33 and 36, Hug teaches the particular program is an application started by a same user (e.g. col. 4, lines 36-51).

Claim Rejections - 35 USC § 103

6. Because applicant failed to traverse the examiner's assertion of Official Notice, the common knowledge in the art statement in the last Office Action is taken to be admitted prior art.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hug in view of admitted prior art.

As per claims 31, 34 and 37, Hug does not disclose the application program operates on a different computer than said another application program. This feature is taught by the admitted prior art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement application program on different computers in Hug's system since it would have taken advantage of computer networking to have application programs to run from different locations.

Response to Arguments

9. Applicant's arguments filed 07/06/2005 have been fully considered but they are not persuasive.

Applicant argued that the claimed invention provides that the storage of data includes user input. In contrast, nowhere in Hug is it suggested that the storage of data includes user input.

The Examiner disagrees for the following reasons. In column 1, lines 55-62 and column 6, lines 28-41, Hug clearly teaches modifications to the current data (by user input) prompt the creation of a new version and it is stored with the date and time the version was created. Therefore, Hug does teach the storage of data includes user input.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
September 13, 2005


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2200